

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

ANDREW L. COLBORN,

Plaintiff,

vs.

NETFLIX, INC.; CHROME MEDIA LLC,
F/K/A SYNTHESIS FILMS LLC; LAURA
RICCIARDI; AND MOIRA DEMOS,

Defendants.

Civil No.: 19-CV-484

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446, Netflix, Inc. (“Netflix”), Chrome Media LLC, Laura Ricciardi and Moira Demos (collectively, “Putative Defendants”¹), by their undersigned counsel, hereby file this Notice of Removal of the above-captioned action from the Circuit Court for Manitowoc County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin, and in support of this Notice, aver as follows:

1. On or about December 17, 2018, Andrew L. Colborn (“Plaintiff”) filed an action captioned *Andrew L. Colborn v. Netflix, Inc., Chrome Media LLC, Synthesis Films, LLC, Laura Ricciardi, Moira Demos, Lisa Nishimura, Adam Del Deo and Mary Manhardt* in the Circuit Court for Manitowoc County, Wisconsin, which was docketed as Case No. 2018CV000561. A true and correct copy of the original Complaint and Summons as served on Netflix is attached hereto as Exhibit A.

¹ Chrome Media LLC, Laura Ricciardi, and Moira Demos appear specially in this matter for the sole purpose of removing the case to federal court and do not by filing this notice of removal waive any defense or objection available to them based on lack of personal jurisdiction, insufficient process or insufficient service of process.

2. On or about March 4, 2019, Plaintiff filed an amended complaint in Case No. 2018CV000561 captioned *Andrew L. Colborn v. Netflix, Inc., Chrome Media LLC, f/k/a Synthesis Films LLC, Laura Ricciardi, and Moira Demos* in the Circuit Court for Manitowoc County, Wisconsin. A true and correct copy of the Amended Complaint and Amended Summons as served on Netflix is attached hereto as Exhibit B.

3. On March 5, 2019, Plaintiff served on CT Corp., Netflix's agent for service of process in Wisconsin, the original Summons and Complaint and the Amended Summons and Amended Complaint. No service on any Putative Defendant of either the original Summons and Complaint or the Amended Summons and Complaint occurred before this date.

4. Pursuant to 28 U.S.C. § 1446(b), all Putative Defendants are timely filing this Notice of Removal within thirty (30) days of service of the Complaint and Amended Complaint upon Netflix.

5. No Putative Defendant has answered, moved, or otherwise responded to the Complaint.

6. Copies of all process, pleadings, and orders that have been received by Netflix are filed herewith. To the best of the Putative Defendants' knowledge, information and belief, other than the Summons and Complaint, and Amended Summons and Amended Complaint, no other process, pleadings, or orders have been filed.

7. For jurisdictional purposes, Plaintiff is a citizen of the State of Wisconsin. *See* Ex. B (Amended Complaint) ¶ 1 (stating Plaintiff resides in Manitowoc County, Wisconsin).

8. The Amended Complaint purports to name four defendants: Netflix, Inc.; Chrome Media LLC, f/k/a Synthesis Films LLC; Laura Ricciardi; and Moira Demos.

- a. Netflix, Inc. is a corporation organized under the laws of the state of Delaware which, as the Amended Complaint states, Ex. B. ¶ 2, has its principal place of business in Los Gatos, California and therefore is a citizen of Delaware and California for jurisdictional purposes.
- b. Chrome Media LLC is a limited liability company organized under the laws of the state of New York which, as the Amended Complaint states, *id.* ¶ 3, has its principal place of business in the state of California. The members of Chrome Media are Laura Ricciardi and Moira Demos, both of whom are resident and domiciled in California. *See* Ex. B ¶¶ 6 & 7. Therefore, Chrome Media is a citizen of New York and California for jurisdictional purposes.
- c. Laura Ricciardi is a natural person who is resident and domiciled in California and therefore is a citizen of California for jurisdictional purposes. *See* Ex. B ¶ 6.
- d. Moira Demos is a natural person who is resident and domiciled in California and therefore is a citizen of California for jurisdictional purposes. *See* Ex. B ¶ 7.

9. The Amended Complaint seeks “general damages; compensatory damages; special damages, including but not limited to, lost wages; and punitive damages,” *id.* ¶¶ 54, 66, 72, an amount in controversy that exceeds \$75,000. *See also id.* ¶¶ 57, 70-72.

10. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship among the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

11. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Wisconsin is the proper venue for removal jurisdiction because it embraces Manitowoc County, Wisconsin, the place where this action is pending.

12. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being forwarded to counsel of record for Plaintiff, as well as to the Clerk of the Circuit Court of Manitowoc County, Wisconsin. A true and correct copy of the Notice of Filing of Notice of Removal (without exhibits) is attached hereto as Exhibit C.

13. By filing this Notice of Removal, Putative Defendants do not waive any defenses that may be available to them.

WHEREFORE, Netflix, Inc., Chrome Media LLC, Laura Ricciardi and Moira Demos respectfully request that the entire court action under case number 2018CV000561 in the Circuit Court for Manitowoc County, Wisconsin, be removed to the United States District Court for the Eastern District of Wisconsin for all further proceedings.

Dated: April 3, 2019.

Respectfully submitted,

s/ James A. Friedman

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Counsel for Putative Defendants Netflix, Inc.; Chrome Media LLC; Laura Ricciardi; and Moira Demos

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2019, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system, and provided copies via electronic mail and U.S. mail to the following counsel of record:

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